

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/037,106	WOLLEB ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Martin J Angebranndt	1756	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/9/2004.
2. ☒ The allowed claim(s) is/are 3,4,8-15,17-19 and 21-23.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☒ Certified copies of the priority documents have been received in Application No. 09/365,471.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

Martin J Angebranndt  
 Primary Examiner  
 Art Unit: 1756

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin T. Mansfield (31,635) on May 4, 2004.

The application has been amended as follows:

In claim 8, before line 15, "x may be a rational number ..", please insert - -  $M_2$  is a transition metal cation,- -.

In claim 9, before line 14, "x may be a rational number ..", please insert - -  $M_2$  is a transition metal cation,- -.

In claim 10, before line 16, "x may be a rational number ..", please insert - -  $M_2$  is a transition metal cation,- -.

In claim 12, at line 1, after "medium", please insert - - according to claim 8 --.

In claim 12, after line 6, "containing one radical  $R_3$  ( $z=1$ )", please insert - -  $R_{11}$  is  $C_1$ - $C_{12}$  alkyl and  $M_3$  has the same meaning as  $M_1$  - - .

In claim 12, at line 11, please delete " $R_3 = R_{14}$ ,"

In claim 12, before line 11, "wherein  $-OR_{11}$  ...", please insert - - Wherein  $R_{14}$  may be -CHO, - $CH_2OH$ , -COOH, - $CH_2OC(O)$ - $C_1$ - $C_{12}$  alkyl or an acetal, an  $z$  may be 1 or 2, - -.

In claim 12 at line 12, please replace "claim 2" with - - claim 8 - -.

In claim 14, at line 1, after "medium", please insert - - according to claim 8 --.

In claim 14, at line 13, please delete " $R_3 = R_{14}$ ,"

In claim 14 at line 14, please replace "claim 2" with - - claim 8 - -.

2. The following is an examiner's statement of reasons for allowance: The prior art of record fails to anticipate or render the claims obvious, particularly in view of the other substituents on the phthalocyanine with the metallocene. The examiner notes that the Cook et al. reference has 7 alkyl substituents on the phthalocyanine with the metallocene (ferrocene) and that the claims exclude both alkyl groups and 7 members of the same class as the substituents. Suggesting replacement of the alkyl moieties with different substituents to meet the claims would clearly rely upon an impermissible level of hindsight.

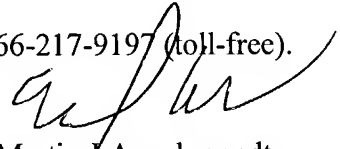
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin J Angebranndt whose telephone number is 571-272-1378. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Martin J. Angebranndt  
Primary Examiner  
Art Unit 1756

05/04/2004